

REMARKS

Applicants request reconsideration and allowance in view of the foregoing amendment and the following remarks.

In the office action mailed November 24, 2003, the Examiner rejected claim 14 under 35 USC 103(a) based on Applicants' statement of the prior art in view of "either" of the patents of Bailey et. al. (USP 5,364,732)(sic, only on patent of Bailey is cited). Next, the Examiner rejected claims 14 and 18 under 35 USC 103 (a) as unpatentable based on Applicants' alleged statement of the prior art in view of Onishi et al. (USP 6,194,348). The rejection reasoned that the alleged prior statement by the Applicants acknowledged that their support, barrier layer and information receiving layer are conventional and applied the polyvinyl alcohol (Bailey and Onishi) and the polyvinylpyrrolidon (Onishi only) layers as protective layers to provide the claimed combination. Finally, claim 14 was rejected under "35 USC 117" (sic, presumptively 112) as being broader than the enabling disclosure for failing to recite that the clear layer is hydrophilic. The Examiner indicted that the prior art failed to teach or suggest clear layers consisting of gelatin formulated with surfactants, polyester ionomers, polyethylene oxide and copolymers of vinyl alcohol.

Applicants acknowledge the latter finding. In response, Applicants present new claim 36 that is directed to the feature indicated by the Examiner. Claim 36 also recites a clear hydrophilic layer. As such, based on the findings of record, claim 36 is patentable.

Applicants also present new claims 33, 34 and 35. New claim 33 corresponds to pending claim 14 with the addition of a limitation that the clear layer has an exposed surface for receiving and holding a water-based colorant image transferred by a stamp. Claims 34 and 35 have the same limitations as claims 17 and 18.

Applicants request reconsideration of claims 14, 17 and 18 and allowance of new claims 33-36.

Applicants traverse the allegation that that their prior amendment is a prior art statement or otherwise an admission. In their prior amendment Applicants traversed a prior (now withdrawn) finding that their specification was prima facie non-enabling. In order to show that the specification was enabling, Applicants pointed to other references that showed examples of how to make support, image receiving and barrier layers. Showing that the specification is enabled is not, per se, an admission of prior art.

Even if the prior amendment was an admission of prior art, the new references fail to show or suggest the subject matter of the claims.

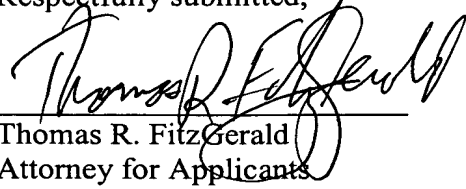
Onishi is not available as a reference. Its U. S. filing date is later than the filing date of this application. The foreign priority date of Onishi's original Japanese application predates the U. S. filing date of this application. However, under 35 USC 102(e)(2) the U. S. patent of Onishi is only a reference as of its U. S. filing date.

Bailey is not a reference against new independent claims 33 and 36. Both claims provide a clear layer with an exposed surface. In Bailey the alleged protective layer is disposed between two barrier layers. See Col. 3, lines 29-41 where Bailey teaches that that the polyvinyl alcohol (PVA) layer is trapped between two barrier layers. As such, the buried PVA layer of Bailey cannot perform the function of receiving and holding a water-based colorant image transferred by a stamp (Claim 14) and it has no exposed surface for receiving and holding the image (Claims 14, 33, 36). In sharp contrast, Bailey covers its PVA layer with another layer. Bailey makes a color array by trapping the dye color array between two barrier layers. In order to make the combination of claim 14 from Bailey, one would have to remove the second barrier layer. However, there is no disclosure or suggestion in Bailey to remove the second barrier layer. In the same vein, there is no suggestion in other support/barrier/receiver sheets to add a clear protective layer for receiving and holding a water-based colorant image transferred by a stamp.

Claim 14 is amended to include the term "hydrophilic." Applicants think that term is equivalent to the limitations of "receiving and holding" because any material that receives and holds a water-based material must, of necessity, have affinity for water.

A notice of allowance is requested.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Thomas R. FitzGerald", written over a horizontal line.

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